



General Assembly

January Session, 2011

**Raised Bill No. 952**

LCO No. 3005

\*03005\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-267 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) No person shall use or possess with intent to use drug  
4 paraphernalia, as defined in subdivision (20) of section 21a-240, to  
5 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
6 convert, produce, process, prepare, test, analyze, pack, repack, store,  
7 contain or conceal, or to ingest, inhale or otherwise introduce into the  
8 human body, any controlled substance as defined in subdivision (9) of  
9 section 21a-240. Any person who violates any provision of this  
10 subsection shall be guilty of a class C misdemeanor.

11 (b) No person shall deliver, possess with intent to deliver or  
12 manufacture with intent to deliver drug paraphernalia knowing, or  
13 under circumstances where one reasonably should know, that it will  
14 be used to plant, propagate, cultivate, grow, harvest, manufacture,

15 compound, convert, produce, process, prepare, test, analyze, pack,  
16 repack, store, contain or conceal, or to ingest, inhale or otherwise  
17 introduce into the human body, any controlled substance. Any person  
18 who violates any provision of this subsection shall be guilty of a class  
19 A misdemeanor.

20 (c) Any person who violates subsection (a) or (b) of this section in or  
21 on, or within [one thousand five hundred feet] two hundred feet of the  
22 perimeter of, the real property comprising a public or private  
23 elementary or secondary school during regular school hours or the  
24 hours of any school-sponsored activity conducted on such property  
25 where students are present and who is not enrolled as a student in  
26 such school shall be imprisoned for a term of one year, which [shall not  
27 be suspended and] shall be in addition and consecutive to any term of  
28 imprisonment imposed for violation of subsection (a) or (b) of this  
29 section.

30 Sec. 2. Section 21a-278a of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective October 1, 2011*):

32 (a) Any person eighteen years of age or older who violates section  
33 21a-277 or 21a-278, and who is not, at the time of such action, a drug-  
34 dependent person, by distributing, selling, prescribing, dispensing,  
35 offering, giving or administering any controlled substance to another  
36 person who is under eighteen years of age and is at least two years  
37 younger than such person who is in violation of section 21a-277 or 21a-  
38 278, shall be imprisoned for a term of two years, which shall not be  
39 suspended and shall be in addition and consecutive to any term of  
40 imprisonment imposed for violation of section 21a-277 or 21a-278.

41 (b) Any person who violates section 21a-277 or 21a-278 by  
42 manufacturing, distributing, selling, prescribing, dispensing,  
43 compounding, transporting with the intent to sell or dispense,  
44 possessing with the intent to sell or dispense, offering, giving or  
45 administering to another person any controlled substance in or on, or  
46 within [one thousand five hundred feet] two hundred feet of the

47 perimeter of, the real property comprising (1) a public or private  
48 elementary or secondary school [,] during regular school hours or the  
49 hours of any school-sponsored activity conducted on such property  
50 where students are present, (2) a public housing project, or (3) a  
51 licensed child day care center, as defined in section 19a-77, [that]  
52 during the operating hours of such center, which center is identified as  
53 a child day care center by a sign posted in a conspicuous place, shall be  
54 imprisoned for a term of three years, which [shall not be suspended  
55 and] shall be in addition and consecutive to any term of imprisonment  
56 imposed for violation of section 21a-277 or 21a-278. To constitute a  
57 violation of this subsection, an act of transporting or possessing a  
58 controlled substance shall be with intent to sell or dispense in or on, or  
59 within [one thousand five hundred feet] two hundred feet of the  
60 perimeter of, the real property comprising a public or private  
61 elementary or secondary school during regular school hours or the  
62 hours of any school-sponsored activity conducted on such property  
63 where students are present, a public housing project or a licensed child  
64 day care center, as defined in section 19a-77, [that] during the  
65 operating hours of such center, which center is identified as a child day  
66 care center by a sign posted in a conspicuous place. For the purposes  
67 of this subsection, "public housing project" means dwelling  
68 accommodations operated as a state or federally subsidized  
69 multifamily housing project by a housing authority, nonprofit  
70 corporation or municipal developer, as defined in section 8-39,  
71 pursuant to chapter 128 or by the Connecticut Housing Authority  
72 pursuant to chapter 129.

73 (c) Any person who employs, hires, uses, persuades, induces,  
74 entices or coerces a person under eighteen years of age to violate  
75 section 21a-277 or 21a-278 shall be imprisoned for a term of three  
76 years, which shall not be suspended and shall be in addition and  
77 consecutive to any term of imprisonment imposed for violation of  
78 section 21a-277 or 21a-278.

79 Sec. 3. Section 21a-279 of the general statutes is repealed and the

80 following is substituted in lieu thereof (*Effective October 1, 2011*):

81 (a) Any person who possesses or has under his control any quantity  
82 of any narcotic substance, except as authorized in this chapter, for a  
83 first offense, may be imprisoned not more than seven years or be fined  
84 not more than fifty thousand dollars, or be both fined and imprisoned;  
85 and for a second offense, may be imprisoned not more than fifteen  
86 years or be fined not more than one hundred thousand dollars, or be  
87 both fined and imprisoned; and for any subsequent offense, may be  
88 imprisoned not more than twenty-five years or be fined not more than  
89 two hundred fifty thousand dollars, or be both fined and imprisoned.

90 (b) Any person who possesses or has under his control any quantity  
91 of a hallucinogenic substance other than marijuana or four ounces or  
92 more of a cannabis-type substance, except as authorized in this  
93 chapter, for a first offense, may be imprisoned not more than five years  
94 or be fined not more than two thousand dollars or be both fined and  
95 imprisoned, and for a subsequent offense may be imprisoned not more  
96 than ten years or be fined not more than five thousand dollars or be  
97 both fined and imprisoned.

98 (c) Any person who possesses or has under his control any quantity  
99 of any controlled substance other than a narcotic substance, or a  
100 hallucinogenic substance other than marijuana or who possesses or has  
101 under his control less than four ounces of a cannabis-type substance,  
102 except as authorized in this chapter, for a first offense, may be fined  
103 not more than one thousand dollars or be imprisoned not more than  
104 one year, or be both fined and imprisoned; and for a subsequent  
105 offense, may be fined not more than three thousand dollars or be  
106 imprisoned not more than five years, or be both fined and imprisoned.

107 (d) Any person who violates subsection (a), (b) or (c) of this section  
108 in or on, or within [one thousand five hundred feet] two hundred feet  
109 of the perimeter of, the real property comprising (1) a public or private  
110 elementary or secondary school during regular school hours or the  
111 hours of any school-sponsored activity conducted on such property

112 where students are present and who is not enrolled as a student in  
113 such school, or (2) a licensed child day care center, as defined in  
114 section 19a-77, [that] during the operating hours of such center, which  
115 center is identified as a child day care center by a sign posted in a  
116 conspicuous place, shall be imprisoned for a term of two years, which  
117 [shall not be suspended and] shall be in addition and consecutive to  
118 any term of imprisonment imposed for violation of subsection (a), (b)  
119 or (c) of this section.

120 (e) As an alternative to the sentences specified in subsections (a) and  
121 (b) and specified for a subsequent offense under subsection (c) of this  
122 section, the court may sentence the person to the custody of the  
123 Commissioner of Correction for an indeterminate term not to exceed  
124 three years or the maximum term specified for the offense, whichever  
125 is the lesser, and at any time within such indeterminate term and  
126 without regard to any other provision of law regarding minimum term  
127 of confinement, the Commissioner of Correction may release the  
128 convicted person so sentenced subject to such conditions as he may  
129 impose including, but not limited to, supervision by suitable authority.  
130 At any time during such indeterminate term, the Commissioner of  
131 Correction may revoke any such conditional release in his discretion  
132 for violation of the conditions imposed and return the convicted  
133 person to a correctional institution.

134 (f) To the extent that it is possible, medical treatment rather than  
135 criminal sanctions shall be afforded individuals who breathe, inhale,  
136 sniff or drink the volatile substances defined in subdivision (49) of  
137 section 21a-240.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	21a-267
Sec. 2	<i>October 1, 2011</i>	21a-278a
Sec. 3	<i>October 1, 2011</i>	21a-279

***Statement of Purpose:***

To revise the circumstances when an enhanced penalty is imposed for the sale or possession of controlled substances or drug paraphernalia near schools, day care centers and public housing projects and allow judges more discretion in sentencing persons convicted of those crimes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*